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 Co. ESOP Plan Committee; and CIG ESOP  
 Plan Committee*

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IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO AND OAKLAND DIVISION

THOMAS FERNANDEZ and LORA SMITH, )  
 individually and on behalf of a class of all other )  
 persons similarly situated, )

Plaintiffs, )

vs. )

K-M INDUSTRIES HOLDING CO., INC., et )  
 al., )

Defendants. )

Case No. C-06-07339 MJJ

**[PROPOSED] ORDER MODIFYING  
 PRETRIAL ORDER**

Pursuant to the Court's instructions at the Case Management Conference held on August 28, 2007, the parties request that the Court order the following schedule to govern the remainder of this litigation:

1. Telephonic Case Management Conference to be initiated by Plaintiffs' counsel. Any party seeking a change to the case schedule will file a case management statement of no more than two pages one week prior to the telephonic	November 5, 2007, 2 p.m.
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1	conference.	
2	2. Deadline for production of ESI and hard copy documents by all Defendants.	November 7, 2007
3	3. Close of fact discovery	April 25, 2008
4	4. Deadline for hearings on motions for class certification and for summary judgment on statute of limitations grounds	July 1, 2008 (CMC to follow hearing)
5	5. Disclosure of identity of experts and exchange of expert reports	September 12, 2008
6	6. Deadline for rebuttal expert reports	October 3, 2008
7	7. Close of expert discovery (depositions)	October 24, 2008
8	8. Deadline for hearing on dispositive motions	December 9, 2008
9	9. Pretrial Conference	January 27, 2009
10	10. Trial date	February 9, 2009

11 Dated: August 30, 2007

Respectfully submitted,

LEWIS, FEINBERG, LEE,  
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14 By: /s/  
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*Attorneys for Plaintiffs  
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20 Dated: August 30, 2007

LOVITT & HANNAN, INC.

21 By: /s/  
Henry Bornstein  
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Holding Co., Inc.; K-M Industries Holding  
Co., Inc. ESOP Plan Committee; and CIG  
ESOP Plan Committee*

25 Dated: August 30, 2007

HENNIGAN, BENNETT & DORMAN LLP

27 By: /s/  
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Desiree B. Moore Revocable Trust; Desiree*

*B. Moore Revocable Trust; William E. Moore Marital Trust; William E. and Desiree B. Moore Revocable Trust Generation-Skipping Trust; and Desiree Moore*

Dated: August 30, 2007

MORGAN, LEWIS & BOCKIUS LLP

By: /s/  
Nicole Diller  
*Attorneys for Defendant North Star Trust Company*

Good cause appearing, the Court orders that dates set forth on the Order dated June 22, 2007, are vacated, and that the management of this litigation is now governed by the dates set forth above.

IT IS SO ORDERED.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Hon. Martin J. Jenkins  
United States District Judge